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Los Angeles County District Attorney's Office, letter of opinion

SUPERVISOR'S REPORT ON USE OF FORCE FORM

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 016-07435-0380-055 | Date: 08/07/16 | Time: 1220 Hours

Location: [redacted] South Inglewood Avenue | City or Station: South Los Angeles Station

Bureau/Station/Facility: Central Patrol Division / South Los Angeles Station | Admin. Investigation: ○ YES ◉ NO

Type of Force: Control Hold and Resisted Handcuffing

Incident Category: ○ 1 ○ 2 ◉ 3 | Deputy Injury: ○ YES ◉ NO | Suspect Injury ○ YES ◉ NO

☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ◉ YES ○ NO | Person Notified: Lt. S. Carrizosa | Emp: [redacted] | IAB Roll Out ◉ YES ○ NO

Involved Employee

E 1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Quintero	Ruben	D.	DSG

Sex: ◉ M ○ F | Race: H | Height: 600 | Weight: 255 | Age: [redacted] | Shift: ○ EM ◉ Day ○ PM | ◉ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Special Enforcement Bureau | Work Assignment (Unit #, Module, etc.): Duty Team

Individual Force Used: Control Holds / Resisted Hancuffing | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ◉ 1 ○ 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: ________ | Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM | ○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: ________ | Coroner Case #

E__

Employee #	Last Name	First Name	Middle I.	Rank

Sex: ○ M ○ F | Race: | Height: | Weight: | Age: | Shift: ○ EM ○ Day ○ PM | ○ Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Individual Force Used: | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ○ 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: ________ | Coroner Case #

On Duty Supervisor ☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Martinez	Cristina	M.	Sgt.	YES ◉ NO ○	YES ○ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Chang	Francois	H.	Sgt.	YES ○ NO ◉	YES ○ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Burcher	John	P.	Lt.

Watch Commander / Supervising Lieutenant's **Signature**: [signature] | 5/15/19 Date | Copy Provided to Employee by: | Emp #:

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

Supervisor's Report on Use of Force
SUSPECT INFORMATION

016 - 07435 - 0380 - 055

Suspect Information

S 1

Last Name: Corral | First Name: Robert | Middle Name: Brando | Armed? Select: Other

AKA Last Name: "GBoy" | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 23 | Height: 505 | Weight: 150 | D.O.B: 01/18/96 | Phone #1: (●) H ( ) W ( ) C [redacted] | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State [redacted]

Booking #: 4744622 | Primary Charge Code: 664/148(c) PC | Secondary Charge Code: 32 PC | ☒ Criminal History

Treated on Scene? (●) YES ( ) NO | Name: Fire Capt. Christianson | Unit: Fire Eng #18 | Phone #: (310) 671-5368

Hospital Admission? ☒ | Rec'd Treatment At: UCLA Medical Center | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: McCormick | Address: 757 Westwood Plaza, LA 960095 | Phone #: (310) 825-9111

Under Influence: ( ) YES (●) NO | Substance: | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Date: 08/07/16 | Time: 2330 | ☒ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S 2

Last Name: Farias | First Name: Brian | Middle Name: Brando | Armed? Select: Other

AKA Last Name: "Diablo" | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 25 | Height: 601 | D.O.B. 03/11/94 | Weight: 200 | [redacted] ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Addr[redacted] | City: [redacted] | State & Zi[redacted]

Booking #: 4744224 | Primary Charge Code: 594(b)(1) PC | Secondary Charge Code: 148(a)(1) PC | ☒ Criminal History

Treated on Scene? ( ) YES (●) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: (●) YES ( ) NO | Substance: Inhalants | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Date: 08/07/16 | Time: 2150 | ☒ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S __

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

0 1 6 - 0 7 4 3 5 - 0 3 8 0 - 0 5 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Delgadillo	James	Phillip

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
South Los Angeles Station	32A	○ EM ◉ Day ○ PM	○ Regular ◉ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name
[redacted]	Felix	Cecilio	

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
South Los Angeles Station	32A	○ EM ◉ Day ○ PM	◉ Regular ○ OT ○ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift:	
		○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]		

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ **Additional Witness**

Supervisor's Report on Use of Force

016 - 07435 - 0380 - 055

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Farias	S#2	Quintero	E#1	UC	NN	
Farias	S#2	Quintero	E#1	RS	NN	
Farias	S#2	Quintero	E#1	PH	NN	
Quintero	E#1	Farias	S#2	CT	NN	
Corral	S#1	Quintero	E#1	HR	NN	
Quintero	E#1	Corral	S#1	FH	GS	AR

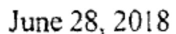


LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

CONTENTS 7/5/18 CAPT. C. BERGNER NOTED



June 28, 2018

Captain Christopher Bergner
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Robert Corral
J.S.I.D. File #16-0392
L.A.S.D. File #016-07435-0380-055

Dear Captain Bergner:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 7, 2016, non-fatal shooting of Robert Corral by Los Angeles County Sheriff's Department Deputy Ruben Corral. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

Shannon Presby
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Ruben Quintero #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN CHRISTOPHER BERGNER
Los Angeles County Sheriff's Department
Homicide Bureau
1 Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Robert Corral
J.S.I.D. File #16-0392
L.A.S.D. File #016-07435-0380-055

DATE: June 28, 2018

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the August 7, 2016, non-fatal shooting of Robert Corral by Los Angeles Sheriff's Department (LASD) Deputy Ruben Quintero. We have determined that there is insufficient evidence to prove beyond a reasonable doubt that Quintero's shooting of Corral was unlawful.

The District Attorney's Command Center was notified of this shooting on August 7, 2016, at approximately 1:47 p.m. The District Attorney Response Team responded to the location. They were given a briefing and walk-through of the scene.

The following analysis is based on reports, recorded interviews, cellular phone data, and photographs submitted to this office by the LASD Homicide Bureau. Court transcripts and a voluntary statement by Deputy Quintero were also considered as part of this analysis.

FACTUAL ANALYSIS

Overview

LASD Special Enforcement Bureau (SEB) Deputy Ruben Quintero observed a vandalism in progress in the City of Lennox and commenced a felony vandalism investigation. Three male suspects fled and were later found in a nearby residence. With the assistance of backup units, Quintero detained two of the three vandalism suspects. While clearing the residence to locate the remaining suspect, Quintero entered a bathroom with a shower stall covered by a shower curtain. Quintero pushed the shower curtain aside and the outstanding suspect extended his hands toward Quintero's drawn service weapon. A deputy involved shooting occurred and the suspect sustained a non-fatal wound to his right elbow.

Law Enforcement Officer Statements

On Sunday, August 7, 2016, at approximately 12:00 p.m., Quintero drove a marked LASD vehicle through the City of Lennox, en route to Los Angeles International Airport (LAX) on official LASD business.[1] Quintero drove northbound on Inglewood Avenue from 104th Street and observed a male, later identified as Brian F., on the east sidewalk in front of [redacted]

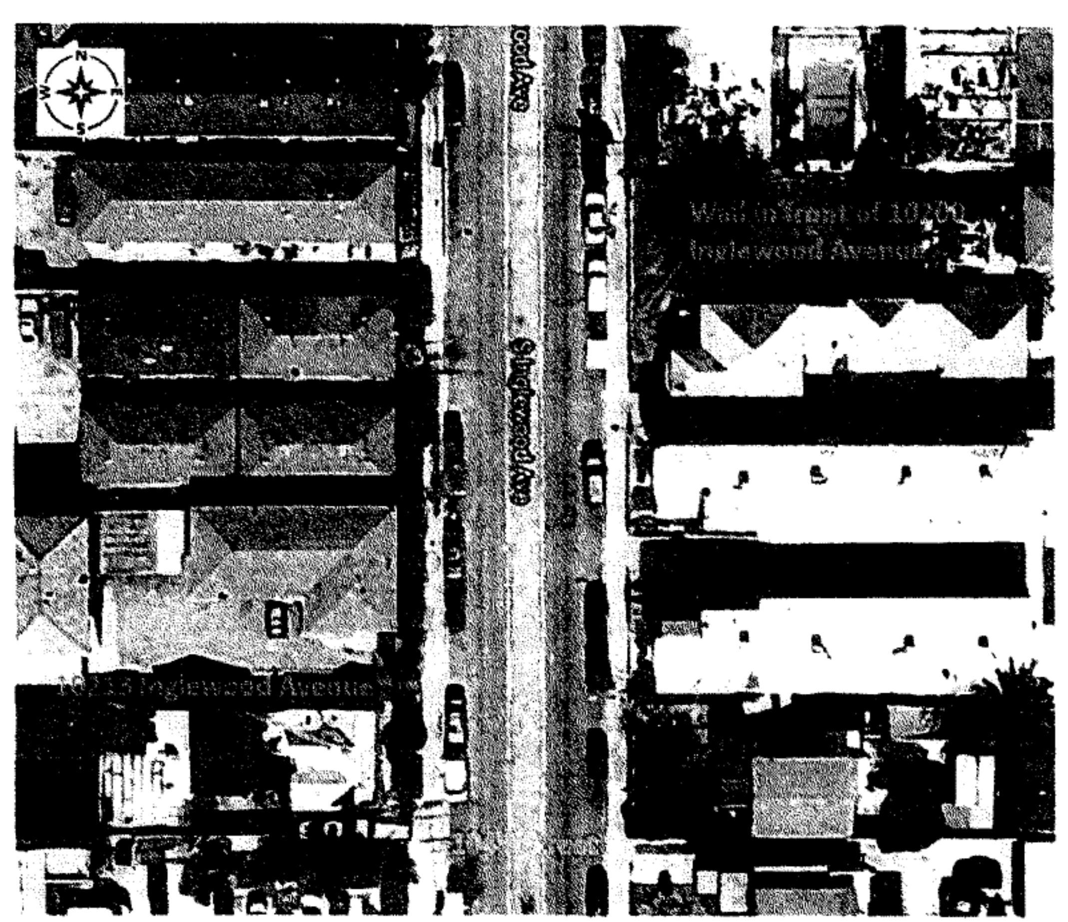


Figure 1. Undated Google map with overhead view of Inglewood Avenue, north of 104th Street. The shooting occurred at [redacted] Inglewood Avenue, a short distance south of the original vandalism investigation.

[This space intentionally left blank.]

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[1] As a member of the SEB "Duty Team," Quintero was assigned to pick up an individual from LAX who would be attending a SWAT training. Quintero was wearing a green uniform with markings clearly identifying him as an LASD deputy.

Brian F. was moving his body up and down as he spray-painted "Lennox 13↓"[2] on a four-foot-high concrete wall in front of the location.



Figure 2. Wall in front of [redacted]*vith Lennox 13 graffiti observed by Quintero.*

Quintero stopped in the street adjacent to Brian F., exited his vehicle, and began walking toward him. Brian F. appeared to be unaware of Quintero's presence. Quintero heard a whistle from behind and looked back to see two men, later identified as [redacted] and Robert Corral, standing directly across the street on the west sidewalk looking at him.

Quintero continued to walk toward Brian F., who was still spray-painting the wall with his right hand. At the sound of a second whistle, Brian F. immediately turned around and looked at Quintero. Brian F. quickly crouched behind an adjacent parked car and stood up with a spray can in his left hand, facing Quintero. Quintero ordered Brian F. to walk toward him, but Brian F. turned away, raised the spray can to his mouth, and inhaled a portion of the contents. Quintero believed Brian F. consumed spray paint based on his earlier observations, but quickly realized that Brian F. had inhaled compressed gas from a "Dust Off"-brand electronics duster.[3]

---

[2] Lennox 13 is a local criminal street gang. A down arrow next to a gang name indicates the location is claimed by the gang as part of their territory.

[3] Electronics dusters are cans of compressed gas used to remove dust and debris from electronics components such as keyboards. "Dust-Off" contains difluoroethane, and is commonly consumed for a euphoric effect. Later the same day in a follow-up investigation, detectives located an aerosol can of rubberized automotive undercarriage spray in the yard of [redacted] Testing revealed the contents to be consistent with the spray material Brian F. used to vandalize the south portion of the wall.

As Quintero tried to engage Brian F. regarding the graffiti, as well as for possibly being under the influence, [redacted] and Corral stepped into the street and approached Quintero from behind. [redacted] repeatedly questioned, "What's going on? Why are you bothering him?" Quintero advised both men to step back to the sidewalk, and they complied. Quintero turned his attention back to Brian F. who had begun walking southbound on Inglewood Avenue away from Quintero. Quintero ordered him several times to stop, but Brian F. did not comply. [redacted] and Corral approached Quintero a second time, and [redacted] repeated his earlier verbal challenges more forcefully. Quintero noted [redacted] aggressive physical posture, in which he "tensed up…stiffened up with his shoulders. He had his arm tense, almost like he was going to clench his fists, and he was walking towards me."[4]

[redacted] came within a few feet of Quintero, and Corral stood immediately behind [redacted] Based on their behavior and proximity, Quintero felt unsafe and believed [redacted] and Corral would physically engage him in order to interfere with his attempt to contact Brian F. Quintero felt compelled at that time to turn his full attention toward the two men. He faced them and firmly stated, "Hey, back up!" [redacted] continued to engage Quintero. Corral looked in Brian F.'s direction and said, "Take off!" sweeping his hand in a 'go' motion. When Quintero looked back in Brian F.'s direction moments later, Brian F. was gone. [redacted] and Corral then walked back to the west sidewalk and left the location. Quintero believed all three men were under the influence of an intoxicant because they manifested symptoms, including red eyes. Brian F. was also unsteady on his feet and staggered as he walked.[5]

Quintero had concluded that all three men were Lennox 13 gang members based on the Lennox 13 graffiti, tattoos observed on each of the men, and Quintero's knowledge that the location was a Lennox 13 gang area.[6] Quintero determined that Brian F. was "tagging" the wall for the benefit of the gang and that [redacted] and Corral were acting as lookouts.[7] He also noted that [redacted] and Corral emerged from, and returned to, an apartment complex known as a Lennox 13 hangout. After [redacted] and Corral walked away, Quintero returned to his vehicle and called for backup as he drove southbound to look for Brian F. Quintero did not find him and decided to depart for the airport. As he continued to drive, however, Quintero saw Brian F. standing outside a residence at [redacted] Inglewood Avenue, several hundred feet south of the vandalism location. Quintero recognized the house as a Lennox 13 gang hangout. Quintero stopped in front of the location, exited his vehicle and ordered Brian F. to approach him. Brian F. again refused to comply, walked into the house, and closed the door behind him.

At about that time, local Lennox patrol deputies James Delgadillo and Cecilio Felix arrived. Quintero briefed them on the earlier events and explained that the vandalism suspects were

[4] Testimony of Quintero in People v. [redacted] criminal case number YA095001. Hearing date on November 3, 2016. Transcript page 38.

[5] Brian F. later stated during his arrest, "We didn't do nothing wrong, we were just hitting the can." Brian F. also recalled [redacted] had purchased a beer at the store before Quintero arrived.

[6] Quintero had been assigned to Lennox Station from 2006 to 2012. In his time patrolling the Lennox area, he had become familiar with local gangs, gang culture and gang hangouts, including those of Lennox 13. All three men were later confirmed to be documented, active Lennox 13 gang members.

[7] Quintero knew from his Lennox patrol experience that gang members commonly aided fellow gang members engaged in criminal activity - such as spraying gang graffiti - by alerting them to police presence. The lookout would commonly signal with a whistle.

inside the residence. Delgadillo took a position to the rear of the location and Felix remained with Quintero in front of the house. Moments later, [redacted] came to the doorway from within the house and asked Quintero and Felix, "What's going on? What seems to be the problem?"

Quintero saw Brian F. in the house and told [redacted] to have him come out, and then asked both [redacted] and Brian F. to come out to him. Quintero intended at that time to arrest them for vandalism and gang loitering. [redacted] complied and Felix detained him pending the investigation. As Felix walked [redacted] to the patrol car, Quintero saw Brian F. through the open doorway inhaling from the duster can, sweating profusely, swaying side to side, and with bloodshot eyes.

Quintero entered the residence and attempted to handcuff Brian F. but Brian F. became resistive. Quintero placed his body weight on Brian F. and leaned him onto a small couch adjacent to the front door. Brian F. yelled in protest and his [redacted] [redacted] came out of her bedroom directly across from the small couch. At Brian F.'s direction, she video recorded a portion of the arrest.[8] Quintero encouraged [redacted] to record the events as evidence of Brian F.'s resistance. Quintero took the spray can from Brian F.'s hand and Brian F. continued to resist. Felix returned from detaining [redacted] and convinced Brian F. to comply, at which point Quintero and Felix were able to arrest him without further incident.



Figure 3. Still frame of Snapchat video. Behind Quintero to the left of the photo is the bathroom where the shooting occurred.

[redacted] recorded a ten-second Snapchat video which depicts Quintero placing his left arm across Brian F.'s chest and holding Brian F.'s right wrist. Brian F. is reclined, face up, on a small sofa, holding a spray can in his left hand. Brian F. repeatedly yells, "Get the fuck out of my house." Quintero looks toward the camera and says, "Record it. Record it."

Felix called Delgadillo back to the front of the location. Felix took Brian F. to the car, and Delgadillo and Quintero spoke with [redacted] at the front door. [redacted] informed them that she lived at the location and Brian F. was her [redacted] She indicated that Brian F. had belonged to the Lennox 13 gang when he was younger, but claimed he was no longer an active member. She indicated, however, that he had recently been arrested for inhaling the duster and for violating a gang injunction.[9] She stated that earlier in the day, prior to Quintero's arrival, Brian F. and his friends were at the house and had been getting high, inhaling from a computer duster can.

Believing that all three suspects were members of the Lennox 13 criminal street gang, who often carry weapons, Quintero asked [redacted] for consent to clear the house to ensure Corral was not hiding inside. [redacted] indicated she did not believe anyone else was in the residence, but invited them to check. Delgadillo spoke loudly with [redacted] so that anyone hiding in the house would hear their conversation.[10] He specifically stated that they were sheriff's deputies and that they intended to search the house for anyone hiding. He also confirmed that [redacted] was giving consent to the search.[11]

Quintero asked her to step outside for her safety, and both Quintero and Delgadillo drew their service weapons. They announced their presence inside the house, identified themselves as sheriff's deputies, and asked if anyone else was inside. No one responded. Delgadillo secured the living room, while Quintero searched the adjacent bathroom located directly behind the sofa from which Brian F. had been yelling moments earlier.

Quintero entered the bathroom, which consisted of an outer vestibule that opened into another section to the left. Quintero peered into the section and observed a short, narrow corridor leading to a toilet straight ahead. Quintero noted a shower stall on the left side of the corridor, covered by an opaque shower curtain. The narrow corridor was raised one step above the vestibule, and the shower section was separated by another raised step. Quintero placed one foot on the raised platform of the corridor outside the shower stall. He had his service weapon drawn and extended in his right hand.

[This space intentionally left blank.]

[9] A gang injunction is a court order declaring a criminal street gang to be a public nuisance, and prohibiting certain conduct by its members, including congregating within a defined area.
[10] The small single-story house consisted of a living room, two bedrooms, a kitchen, and one bathroom. All rooms were directly adjoined to the living room where the conversation between [redacted] and the deputies occurred.
[11] In a separate interview [redacted] confirmed that she and the deputies were speaking loudly and clearly for anyone in the small house to hear their conversation.

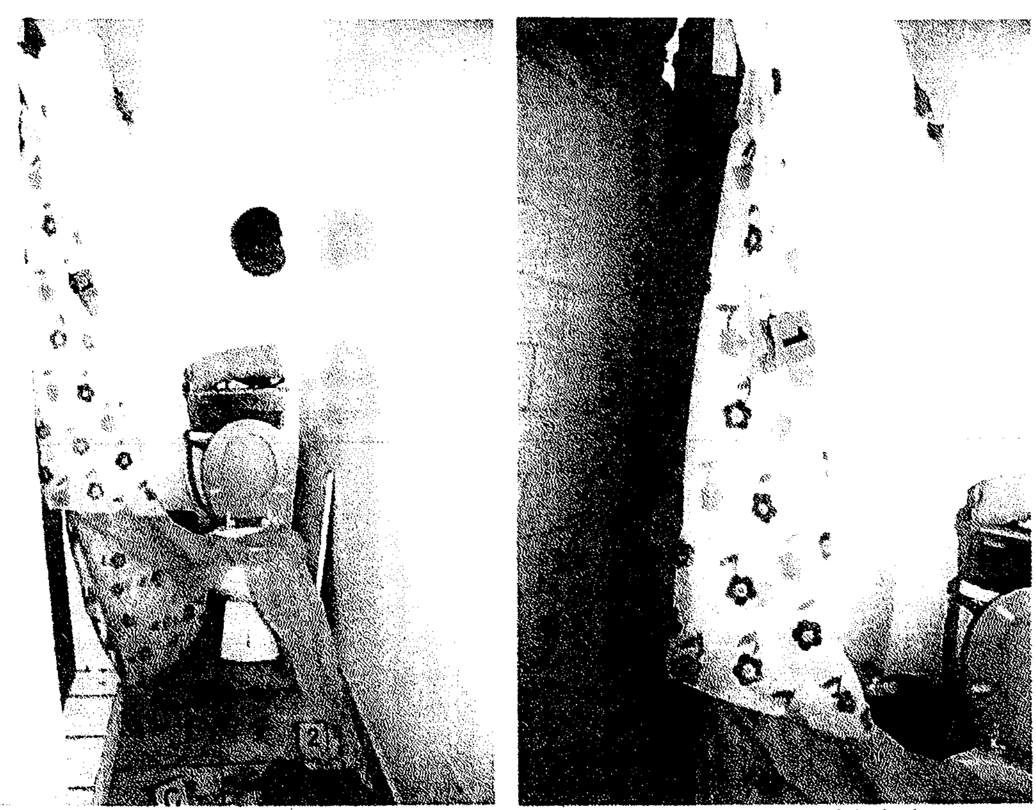


Figure 4. Left: View from the bathroom vestibule, looking into the narrow corridor of the bathroom. Right: The shower area was to the left of the corridor; here, viewed from the vestibule.

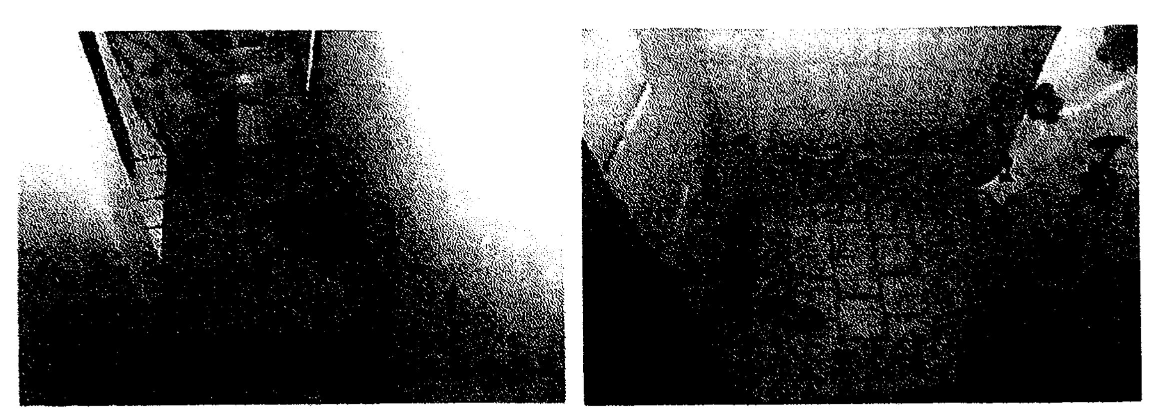


Figure 3. Left: The corridor was elevated one step above the vestibule. The shower was separated by another raised step. Right: Direct view into the shower stall from the raised platform of the corridor.

As Quintero pushed the shower curtain open with his left hand, he immediately saw Corral standing[12] behind the curtain, his hands extended forward and within one foot of Quintero's firearm. Corral reached for Quintero's gun. Quintero simultaneously pushed the curtain and

[12] A criminalist examined the two layers of shower curtain in the laboratory and determined that the bullet damage occurred at the lower left section of the curtains, approximately two feet above the bottom edge. Accounting for the multi-level nature of the bathroom and Quintero's statement that he only had one foot on the elevated platform, the location of the bullet holes appears consistent with Corral being seated or squatted.

fired a single round, which struck Corral in the right elbow. Quintero explained, "I don't know which hand he went with...but I saw a hand come towards my gun," and "I just reacted with this [left] hand, but at the same time I just fired because I thought he was going to grab.... He was coming at me." Quintero stated that the events occurred quickly due to the confined space and Corral's proximity to Quintero's firearm.

Quintero explained that at the moment Corral reached toward the weapon, several factors were affecting his state of mind: he believed the three men involved were Lennox 13 gang members; all were possibly under the influence of an intoxicating substance; during the vandalism investigation, Brian F. was noncompliant, and [redacted] and Corral aggressively challenged Quintero's authority; Corral had not responded to the deputies' calls to come out; Quintero knew that Lennox 13 gang members often carry guns; and Quintero had a tactical disadvantage due to the layout and confined space of the bathroom.

In a report dated August 30, 2016, Quintero explained:

> As I pushed the shower curtain open, I immediately saw a male Hispanic standing with his back against the shower wall (approximately 1 foot away) attempting to hide from me. The male lunged at me, with both of his arms extended and attempted to grab my weapon. The male's hands got within inches of my weapon. I simultaneously clenched my left hand and swung my fist sideways striking his body, thereby preventing him from disarming me. It appeared my initial arm strike had little to no effect. The male...continued to attempt to grab my weapon with both of his hands. Fearing he was going to grab my weapon and use it on me, and fearing I would fall back if he continued to lunge at me and grab my weapon, I had no choice but to fire my weapon at the suspect, who fell to the ground.

When Corral fell to the ground, Quintero yelled, "Let me see your hands! Keep your hands where I can see them!" Corral complied. Quintero assessed Corral's condition and advised him that paramedics were on the way. While they awaited medical assistance, Corral said something akin to, "I shouldn't have come at you." When Quintero then asked, "Why didn't you come out?" Corral responded, "My bad. My bad. I should have [come] out." Quintero handcuffed Corral and told him to try to relax.

Delgadillo stated he was in the living room when he heard Quintero say, "Why'd you come at me?" Corral responded, "Yeah, my bad. My bad. I shouldn't have rushed you like that." Quintero said, "Okay, let me handcuff you. Put your hands behind your back." Corral responded, "All right. All right. All right." He complied with Quintero and allowed himself to be handcuffed.

Deputy Ervin Francois of LASD SEB arrived shortly after the shooting. Francois entered the location to check on Quintero, and Quintero told him that he had shot Corral once, hitting him in the arm. Francois overheard part of a conversation between Quintero and Corral. Francois did not pay much attention to their conversation because he characterized it as banter between the two men, but he confirmed hearing Corral say, among other things, that he was sorry.

Brian F.

Brian F. stated he and [redacted] had known each other since childhood, but Corral was a "new friend."[13] Brian F. claimed past, but not current membership in Lennox 13, with a moniker of "Junior." When asked about a moniker of "Diablo," Brian F. stated he was not known by the moniker.[14]

Brian F. stated that earlier in the day, he was walking southbound on the east sidewalk of Inglewood Avenue toward his house. [redacted] and Corral walked on the opposite side of the street so that they would not be associated with Brian F., because he was inhaling the contents of a duster can. The three men were returning from a local store, from which [redacted] had purchased beer.

Brian F. "took a hit" from the duster can just as a patrol car drove by him, and as he was standing directly in front of the tagged wall. Quintero stopped the vehicle in the street, exited, and began to approach Brian F. on foot. At that moment, [redacted] entered the street and engaged Quintero from behind, saying to him, "Dude, what are you doing?" and "What's the problem? Leave him alone, he didn't do nothing." As a result, Quintero's attention was diverted and Brian F. walked away. Brian F. turned into an apartment complex until Quintero drove away. After Quintero left, Brian F., [redacted] and Corral went into Brian F.'s residence at [redacted] Inglewood Avenue.

A short time later, [redacted] opened the door to purchase another beer at the store. Brian F. and [redacted] saw Quintero outside and within a minute another deputy arrived. Quintero approached the house and asked [redacted], "Hey, where's that guy at?" Brian F., who was standing behind [redacted] at the front door, said, "I'm right here. But this is my house, you have no right to come in here. I wasn't doing nothing." Brian F. said Quintero pushed [redacted] aside and grabbed Brian F. by the shoulders. Brian F. pushed Quintero's hands off his body and resisted him because he believed Quintero was in the wrong for entering without an arrest warrant. Brian F.'s [redacted] came out of the bedroom and Brian F. told her to record the incident. Brian F. acknowledged that Quintero did not use force beyond grabbing his shoulders. Quintero never hit or kicked Brian F., and did not use pepper spray on him.

Eventually Brian F. was taken to the patrol vehicle, at which point he heard a single gunshot from within the house. Brian F. did not know whether Corral was in the backyard or the bathroom during his arrest.

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[13] Throughout the interview Brian F. consistently referred to Corral as "Albert." He also referred to him as "Willie." Though Brian F. referred to Corral as a "new friend," Corral stated that he and Brian F. were cousins.

[14] Multiple sources document Brian F.'s moniker as Diablo. Evidence found in the residence was marked with the moniker, and text messages on Brian F.'s cellular phone identified him as Diablo.

[redacted]

[redacted] stated he was friends with Brian F. and Corral from school. He stated they did not belong to a gang.

Earlier in the day [redacted] saw an unknown police officer, later identified as Quintero, contacting Brian F. [redacted] stated that Brian F. was not spraying graffiti,[16] that he and Corral were not acting as lookouts, and that nobody whistled. [redacted] acknowledged that he and Corral confronted Quintero in the street saying, "What's the problem?" multiple times. At one point, Quintero responded by saying, "Get the fuck back!" to which [redacted] responded, "Fuck you, bitch!" and "Fuck you, dude!" [redacted] believed that Quintero "feared for his life" due to his and Corral's confrontations. [redacted] stated of Quintero, "I could see in his eyes that he's scared."

[redacted] stated he went to the door to ask the deputies why they were there, and he was detained by Felix when he went outside. Brian F. was inside the residence when Quintero saw him and "tackled" him. According to [redacted] Corral was in the bathroom when the incident at the residence unfolded. However, Corral was already in the bathroom when deputies arrived and did not go there to hide. [redacted] was in the car when the deputy involved shooting occurred.

Robert Corral

Corral was interviewed at the hospital after he had been treated. Corral admitted former membership in a tagging crew[17] affiliated with the Lennox 13 street gang, but denied membership in the gang itself. When asked about the men he was with earlier, he stated that he did not know [redacted] well, but Brian F. was his cousin.

Corral gave ambiguous statements regarding his involvement during the graffiti investigation. He initially denied being present, but later stated he was in the area when the patrol car passed. He acknowledged that someone said, "un sheriff, un sheriff"[18] and "jura,"[19] and that somebody whistled at that time. Corral said he had "seen the whole thing," but did not clarify the statement. At one point after Quintero left, Corral told Brian F., "Fool, you dumb. You fucked up."

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15 [redacted] was interviewed in the county jail. During the interview he was sweating, hyperactive, and had dilated pupils; he was unable to sit still; he frequently squatted or kneeled on his chair, and frequently laid his entire upper torso across the tabletop. During the interview, [redacted] made numerous nonsensical statements unrelated to the current conversation, and often gave conflicting statements. Due to his symptomology and his speech, the detectives believed he was possibly intoxicated or suffering from a psychological disorder. However, he was still able to coherently provide information regarding events of the day.

16 [redacted] asserted that Quintero must have stopped because he heard the sound of the aerosol can and assumed Brian F. was using spray paint on the wall.

17 A tagging crew is a group that can be affiliated with a criminal street gang, but is not a criminal street gang itself. Tagging crews, and individual members within the crew, tag the name of the crew or individual monikers for recognition.

18 Spanish, translating to, "a sheriff, a sheriff."

19 Spanish speakers often use the term "jura" as an informal reference to police.

Corral stated that after the patrol car had passed, Brian F. [redacted] and Corral walked together to Brian F.'s house. Corral had to use the bathroom and had just sat on the toilet when he heard sheriff's deputies trying to restrain Brian F. He heard Brian F. say, "You can't come in," and "I know my rights." He heard Brian F. tell [redacted] to record Quintero's actions, stating, "Look what they're doing to me." Corral panicked and hid in the shower behind a shower curtain, next to the toilet. Corral could not explain why he panicked, other than to say, "I just got scared."

Corral stated he heard the deputies announce themselves and call for anyone hiding when Brian F. was being arrested. At that time, he sat in the shower and raised his hands up so that he "could be ready when they come." When asked why he did not respond to the announcement, Corral then stated he did not have time to respond because Quintero made the announcement as he opened the shower curtain. He said he was able to answer "Here, Officer." in response, but he was immediately shot. Corral was within one foot of the gun when Quintero opened the curtain. Quintero immediately closed the curtain and fired the round.

As he gave further explanation about when he heard the announcement, Corral indicated again that it was during Brian F.'s arrest, saying, "I'm not just going to jump out to somebody getting restrained and get shot."

Corral indicated that after being shot, the only conversation that occurred was that of Corral asking for medical treatment and Quintero telling him that medical aid was on the way.

Vandalism Investigation

An anonymous concerned citizen told deputies that he saw Brian F. spraying graffiti on the wall when Quintero initially approached. Quintero arrived and interrupted Brian F. as he was crouched down painting large letters with black spray paint. Brian F. is a known and active Lennox 13 gang member who lives on Inglewood Avenue.

A resident of one of the nearby houses indicated that the wall usually has gang graffiti on it. The northern portion had been vandalized some days before the August 7 incident, but the southern portion where Brian F. was seen had been clean at least up to August 6, when the witness last observed it.

After detectives interviewed Brian F., and several hours after Quintero contacted Brian F. at the wall, detectives investigated the vandalism at [redacted] They determined that "Lennox 13" had been painted on the northern portion of the wall with what appeared to be smooth, glossy, black spray paint. The graffiti on the southern portion of the wall where Quintero and other witnesses saw Brian F., was of a thicker, rubber-like substance with a "crinkle" finish. Deputies located a spray can of black rubberized automotive undercoating in the yard of [redacted] Samples from the wall's southern section and the spray can were sent to a laboratory. Testing determined that the sample taken from the wall was consistent with the contents of the spray can.

Medical Examination of Corral

The emergency room physician determined that Corral suffered a single gunshot wound to his right elbow at the distal humerus resulting in a comminuted fracture. There was no exit wound and the physician could not determine the bullet trajectory or the position of Corral's arms at the time of the bullet's impact. Medical records note that bullet fragments were removed from his right elbow.

Ballistics Analysis

A single expended 9mm cartridge case was recovered near a trash can between the shower stall and the toilet. Based on witness statements and examination of Quintero's service weapon, detectives determined that a single round had been fired.

Evidence of Active Gang Membership

<u>Neighborhood Gang Graffiti</u>

Lennox 13 graffiti[20] was painted in various locations on Inglewood Avenue in the vicinity of [redacted]Inglewood Avenue, including a sidewalk, the front of a neighboring multi-unit housing complex, a manhole cover, and a trash dumpster.

<u>Items Found in [redacted]Inglewood Avenue Residence</u>

Several items found inside the residence at [redacted] Inglewood Avenue[21] indicated Lennox 13 gang membership. In the corner of the living room were a notebook and binder with Lennox 13 writings and symbols similar to the graffiti found in the neighborhood. Brian F.'s moniker "Diablo" and other gang monikers were found in the notebook and binder. Two decorative wooden knives were displayed on a shelf. One knife was etched with "DXABLO LNX 13."[22] The other knife was etched with "WILLIE LNX 13."

<u>Cellular Phone Analysis</u>[23]

Cellular phones were recovered from Brian F. and [redacted] Corral indicated he did not own a cellular phone.

Detectives examined the digital contents of Brian F.'s cellular phone. Several photographs depicted Brian F.'s gang activity, including the display of Lennox 13 gang signs. Text messages documented Brian F.'s active membership in Lennox 13, including his use of the moniker "Diablo." Other text messages indicated Brian F.'s possession of, and access to, various handguns between December 2015 and July 2016.

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[20] In various forms, including: "Lennox," "Lennox 13," "LNX," and "The NOX."

[21] [redacted]old detectives that the household consisted of [redacted] Brian F.[redacted]nd two [redacted]

[22] The letter "X" is often substituted for other letters; here for the "I" in DIABLO.

[23] Cellular phones were examined pursuant to a search warrant.

Detectives examined the digital contents of [redacted]'s cellular phone. Several photographs depicted [redacted] and Brian F. displaying Lennox 13 gang signs. Other photographs and text messages indicated [redacted]'s involvement in gang activity.

Law Enforcement Contacts and Documentation

In August 2016, Detective Imelda Bottomley of LASD Operation Safe Streets Bureau was specially assigned to investigate the Lennox 13 criminal street gang. In addition to reviewing the above items, Bottomley also reviewed Field Interview Reports (FIRs) used by la[redacted] to document contacts with suspects. Bottomley located several FIRs for Brian F. [redacted] and Corral, in which each of the men had admitted Lennox 13 gang membership. In addition, Bottomley had personal contact with Brian F. and Corral in the past, during which they admitted they were active members of Lennox 13.[24]

Other Court Cases

Brian F. and Corral were convicted in case YA094835 on April 12, 2017, for a robbery committed on July 4, 2016. They admitted both firearm and gang allegations in that case.[25]

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if the person claiming the right actually and reasonably believed that he or another was in imminent danger of great bodily injury or death.[26] People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 505.

In California, the evaluation of the reasonableness of a police officer's use of deadly force employs the standard of a reasonable person acting as a police officer. People v. Mehserle (2012) 206 Cal.App.4th 1125, 1146 (holding that California law "follows the objective 'reasonable person' standard—the trier of fact is required to evaluate the conduct of a reasonable person in the defendant's position [citations omitted] . . . the jury should consider all relevant circumstances surrounding the defendant's conduct. This enables the jury to evaluate the conduct of a reasonable person functioning as a police officer in a stressful situation—but this is not the same as following a special 'reasonable police officer' standard.")

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[24] Felix also reported past contact with Brian F. in which Brian F. admitted Lennox 13 gang membership.

[25] Pursuant to Penal Code section 186.22, Brian F. and Corral [redacted]

[26] A police officer's right to act in self-defense or in the defense of another is not vitiated by a separate constitutional violation preceding the shooting. "An excessive force claim is a claim that a law enforcement officer carried out an unreasonable seizure through a use of force that was not justified under the relevant circumstances. It is not a claim that an officer used reasonable force after committing a distinct Fourth Amendment violation such as an unreasonable entry." County of Los Angeles v. Mendez (2017) 137 S.Ct. 1539, 1547, emphasis added.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight.... The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION[27]

When Quintero saw Brian F. painting the wall with "Lennox 13↓" – a fact corroborated by another witness – Quintero stopped his car for a routine vandalism investigation. Quintero ordered Brian F. to step forward, but Brian F. refused to comply. The situation became further complicated by the fact of Brian F. being under the influence and by [redacted] and Corral's aggressive confrontation of Quintero. Quintero found himself outnumbered by three gang members. He knew he was in a neighborhood claimed by the Lennox 13 criminal street gang, and from a previous six-year assignment to the area, he knew the culture and ways of criminal street gangs, including Lennox 13. He found himself alone in their territory and faced with an unexpected situation that caused him concern for his safety. [redacted] confirmed Quintero's concern, telling investigators that he could tell Quintero "feared for his life" and was "scared." As a result, Quintero was unable to detain any of the individuals at that time.

When the three men left and the concern for his safety ended, Quintero called for local backup units and began searching for Brian F. Several minutes passed and he located Brian F. standing alone in front of his residence at [redacted] Inglewood Avenue, a few hundred feet south of the original encounter. Quintero called to Brian F., but Brian F. again refused to comply with orders and retreated inside the residence. Backup units arrived a few moments later. Quintero and Felix stood in front of the house and [redacted] emerged from within. Though Quintero was now accompanied by a backup unit, he found himself again being confronted by [redacted] who repeatedly questioned, "What seems to be the problem?" Brian F. simultaneously yelled from inside that he would not come out of his house. After a brief interaction, [redacted] came outside and was detained by Felix.

As Felix escorted [redacted] to the police vehicle, Quintero addressed Brian F. through the security gate of the front door. Quintero saw Brian F. through the open doorway inhaling from the duster can, sweating profusely, swaying side to side, and with bloodshot eyes. Brian F. continued to refuse to comply with commands, telling Quintero that he would not come out of

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[27] The deputy involved shooting of Corral occurred after Quintero entered the residence to arrest Brian F. Generally, police officers must obtain an arrest warrant or search warrant before entering a private residence to arrest an individual. Any potential issues and justifications related to the warrantless entry – including the effect of [redacted] consent to the subsequent search that led to the shooting – are subjects of an analysis that, pursuant to Mendez, have no bearing on this review.

the house and that Quintero could not come in. Quintero entered to detain Brian F. Instead of submitting, Brian F. physically resisted, pushing Quintero's hands away and yelling repeatedly, "Get the fuck out of my house!" Felix returned a few moments later and the deputies were able to arrest and remove Brian F. without further incident.

Quintero spoke with Barbara B. at that time in order to ascertain the whereabouts of Corral. Quintero believed Corral was hiding inside because he had last seen him walking with [redacted] in the direction of the residence. [redacted] stated that she had been inside her room prior to Brian F.'s arrest and did not know if anyone else was inside.

Quintero's later-confirmed belief that all three men were Lennox 13 gang members, and his knowledge that Lennox 13 gang members often carry weapons, reasonably led him to believe that Corral might be armed and hiding within the home, in a position to attack the deputies. The first two arrestees proved obstructive and resistive. It was reasonable to believe that Corral was likewise being uncooperative.

Prior to their search of the house, Delgadillo and [redacted], discussed, out loud for Corral to hear, that the deputies were going to search the home. Delgadillo and Quintero announced they were sheriff's deputies and ordered anyone in the house to come forward. Corral had heard the announcements as early as Brian F.'s detention, yet for unexplained reasons he did not come out from hiding.

Quintero and Delgadillo began their search of the rooms. Due to the potential danger that might ensue from the search for Corral, Quintero had [redacted] exit the home. Both Delgadillo and Quintero drew their service weapons as they began clearing the rooms. Quintero entered the bathroom and saw a narrow corridor at a 90-degree angle to the left.

The situation was tactically precarious from Quintero's perspective. The corridor was raised on a platform above the vestibule, at a sharp angle; and Quintero was presented with an obscured shower space at the proximate left corner. Quintero positioned himself partially into the narrow corridor with one foot on the raised platform, the other remaining on the lower vestibule level. Not knowing if the curtain hid behind it an empty space or an assailant, he pushed the shower curtain open. He immediately saw Corral in very close proximity, standing or sitting directly behind the shower curtain. According to the accounts of both Corral and Quintero, Corral had his hands raised and within one foot of Quintero's extended firearm. Quintero said that Corral reached for the weapon and he feared Corral would obtain the weapon and use it on Quintero. Quintero fired a single round in response. The events transpired quickly and there was very little time for Quintero to think, because Corral's hands were so close to the weapon from the moment the curtain was moved. The narrowness of the space also necessarily put the two men close together and limited Quintero's response options.

If Corral did in fact reach toward Quintero's weapon, it would be reasonable for Quintero to employ the force chosen in order to protect himself. He was forced to make a split-second judgment in circumstances that were tense, uncertain, and rapidly evolving. Corral offered an alternative account of events in which he did not reach for the weapon, but merely had his hands

up and extended, though admittedly within one foot of Quintero's weapon. Even given Corral's account, it cannot be proved beyond a reasonable doubt that the use of force was unreasonable.

As a result, the evidence presented is insufficient to prove beyond a reasonable doubt that Quintero's actions were unlawful. Accordingly, the District Attorney's Office declines to initiate criminal prosecution. We are closing our file and will take no further action in this matter.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



ALEX VILLANUEVA, SHERIFF

February 10, 2020

Date of Department Hire 12/02/1999

Deputy Ruben Quintero, #[redacted]

Dear Deputy Quintero:

LETTER OF IMPOSITION

On June 26, 2019, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number IV2486711. You were also advised of your right to review the material on which the discipline was based.

You were advised that a removal from a Bonus position does not constitute a reduction and/or demotion under the current Civil Service Rules of this County. However, you were given an opportunity to respond to the intended removal.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, the Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are removed from your position of Bonus I Deputy Sheriff, Item No. 2708A, and reappointed to the position Deputy Sheriff Generalist, Item No. 2708A, effective at the close of business on January 28, 2020.

An investigation under IAB File Number IV2486711, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10 Obedience to Law, Regulations, and Orders, as it pertains to 3-10/050.15, Performance to Standards-Performance Associated with Use of Force; and/or 3-10/150.00, Tactical Incidents, on or about August 7, 2016, while on duty and assigned to Special Enforcement Bureau, you failed to perform to the standards established for your rank of Bonus 1 Deputy Sheriff and/or devote your time and attention and/or coordinate your efforts in a manner that would tend to maintain the highest standard of efficiency, when you failed to use sound tactical principles when involved in a tactical incident, as evidenced by, but not limited to the following:

   a. failing to properly complete an assigned task, and/or;

   b. failing to initially communicate and/or relay information to deputies assigned to the area, regarding a vandalism crime you witnessed, and/or;

   c. failing to take a position which maximizes the ability to control and/or monitor and/or, engage the threat in the safest manner possible, and/or request proper resources and opting to take independent action, and/or;

   d. positioning yourself in an area and/or manner that lacked and/or had limited cover and/or avenues of escape and offered a significant advantage to the suspect, resulting in Suspect Corral reaching for your gun wherein a subsequent use of force occurred.

A Bonus Deputy is recognized as a specialized position that requires certain skills and expertise. Qualified personnel may be conditionally appointed by the Department to these positions and compensated accordingly while occupying the position.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rule 18.01(c) of the Civil Service Rules.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

If you have any questions, you may contact Tamora Johnson, of Internal Affairs Bureau, at (323) 890-5098.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Marc A. Lucio, Captain
Transit Services Bureau

MAL:TKJ:tj
(Professional Standards Division – Internal Affairs Bureau)

IAB FILE NO. IV2486711

Attachments

c: James J. Hellmold , Chief, Special Operations Division
Marc A. Lucio, Captain, Transit Services Bureau/Unit Personnel File
John M. McBride, Captain, Personnel Administration Bureau/Department Personnel File
Cathy Banuelos, Acting Administrative Services Manager III, Pay, Leaves, and Records Units
Tamora Johnson, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



ALEX VILLANUEVA, SHERIFF

June 26, 2019

Deputy Ruben D. Quintero, #[redacted]

Dear Deputy Quintero:

LETTER OF INTENT

You are hereby notified that it is the intention of the Sheriff's Department to remove you from your position of Bonus I Deputy Sheriff, Item No. 2708A, and reappoint you to the position of Deputy Sheriff Generalist, Item No. 2708A.

An investigation under IAB File Number IV 2486711, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10 Obedience to Law, Regulations, and Orders, as it pertains to 3-10/050.15, Performance to Standards-Performance Associated with Use of Force; and/or 3-10/150.00, Tactical Incidents, on or about August 7, 2016, while on duty and assigned to Special Enforcement Bureau, you failed to perform to the standards established for your rank of Bonus 1 Deputy Sheriff and/or devote your time and attention and/or coordinate your efforts in a manner that would tend to maintain the highest standard of efficiency, when you failed to use sound tactical principles when involved in a tactical incident, as evidenced by, but not limited to the following:

a. failing to properly complete an assigned task, and/or;

b. failing to initially communicate and/or relay information to deputies assigned to the area, regarding a vandalism crime you witnessed, and/or;

c. failing to take a position which maximizes the ability to control and/or monitor and/or, engage the threat in the safest manner possible, and/or request proper resources and opting to take independent action, and/or;

d. positioning yourself in an area and/or manner that lacked and/or had limited cover and/or avenues of escape and offered a significant advantage to the suspect, resulting in Suspect Corral reaching for your gun wherein a subsequent use of force occurred.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit Commander.

A Bonus Deputy is recognized as a specialized position that requires certain skills and expertise. Qualified personnel may be conditionally appointed by the Department to these positions and compensated accordingly, while occupying the position.

Please be advised that a removal from your Bonus position does not constitute a reduction and/or demotion under Civil Service Rules of the County. However, due to the reasons for your removal, you will be afforded the opportunity to respond.

You have the right to grieve this action within ten (10) business days of the receipt of this letter. Your grievance procedure may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to respond and will result in imposition.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CDs, you may contact Patty Choe, of Internal Affairs Bureau, at (323) 890-5313, and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Original Signed

Joseph J. Williams, Captain
Special Enforcement Bureau

JJW:PC:pc
(Professional Standards Division – Internal Affairs Bureau)

IAB FILE NO. IV 2486711

Attachments:
Signature Page
CD Receipt

c: James J. Hellmold, Chief, Special Operations Division
Irene Aguilera, Departmental Employee Relations Representative, Employee Relations Unit
Patty Choe, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit

I certify that on the date indicated below, I received the original of the attached **LETTER OF INTENT** under File Number ***IAB IV 2486711.***

6/26/19

Date

RUBEN D. QUINTERO, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***RUBEN D. QUINTERO.***

6/26/19

Date

WITNESS SIGNATURE

JOSEPH J. WILLIAMS

WITNESS PRINT

Please return this page within two (2) business days to:

PATTY CHOE
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
COMMERCE CA 90040
(323) 890-5313

DISPOSITION WORKSHEET

Re: IAB IV2486711
Subject: Ruben D. Quintero, #[redacted]
Investigator: Sgt. Francois Chang, Internal Affairs Bureau
Advocate: Sgt. Aura Sierra, Advocate

DISPOSITION OF CHARGES

The following potential charges were prepared by the Advocacy Unit. Please indicate your disposition of the potential charges, and put any additional sustained charges (with reference to the investigation) on attached sheet(s).

Potential Charge(s):

The evidence in this investigation supports the following charges:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10 Obedience to Law, Regulations, and Orders, as it pertains to 3-10/050.15, Performance to Standards-Performance Associated with Use of Force; and/or 3-10/150.00. Tactical Incidents, on or about August 7, 2016, while on duty and assigned to Special Enforcement Bureau, Subject Ruben D. Quintero, failed to perform to the standards established for his rank of Bonus 1 Deputy Sheriff and/or devote his time and attention and/or coordinate his efforts in a manner that would tend to maintain the highest standard of efficiency, when he failed to use sound tactical principles when involved in a tactical incident, as evidenced by, but not limited to the following:

    a. failing to properly complete an assigned task, and/or;

    b. failing to initially communicate and/or relay information to deputies assigned to the area, regarding a vandalism crime he witnessed, and/or;

    c. failing to take a position which maximizes the ability to control and/or monitor and/or, engage the threat in the safest manner possible, and/or request proper resources and opting to take independent action, and/or;

    d. positioning himself in an area and/or manner that lacked and/or had limited cover and/or avenues of escape and offered a significant advantage to the suspect, resulting in Suspect Corral

reaching for Deputy Quintero's gun wherein a subsequent use of force occurred.

Evidence Reference:

____

Defenses/Conflicting Evidence:

____

Disposition:

__X__ Charge founded as delineated
______ Charge founded as modified
______ Charge unresolved
______ Charge unfounded

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised September 28, 2012) lists the following Analogous misconduct with associated disciplinary penalties:

Conduct	Standard Discipline
Obedience to Laws, Regulations and Orders - Performance to Standards-Performance Associated with Use of Force - Tactical Incidents	W/R to Discharge

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

______ Discharge
__X__ Bonus Removal/Reduction in rank
______ Suspension with loss of pay and benefits for ______ days
______ Written Reprimand
______ No discipline